

**Jericho, LLC and  
Ellicott City Land Holding, Inc.  
Petitioners**

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**BEFORE THE  
PLANNING BOARD OF  
HOWARD COUNTY, MD**

**PLANNING BOARD CASE NO. 400**

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**DECISION AND ORDER**

On September 26, 2013, the Planning Board of Howard County, Maryland, in accordance with Section 107.E.6 of the Howard County Zoning Regulations, held a public hearing to consider the petition of Jericho, LLC and Ellicott City Land Holding, Inc., c/o Land Design and Development, Inc., for approval of a Preliminary Equivalent Sketch Plan, SP-13-011, for five single family detached lots located in the Grovemont Overlook Subdivision consisting of 1.06 acres of residential land use zoned R-ED (Residential Environmental Development). The Grovemont Overlook Subdivision is bounding on the east side of Landing Road, south of Norris Lane and north of Montgomery Road. The subject lots are situated on the north side of Forest Kelly Court and on the east side of Wecker Way, located on Tax Map No. 31, identified as P/O Parcel 749, in the First Election District of Howard County, MD.

The Notice of Hearing was published and the subject property was posted in accordance with the Planning Board's requirements, as evidenced by certificates of publication and posting, all of which were made a part of the record of the case.

Pursuant to the Planning Board's Rules of Procedure, the reports and official documents pertaining to the petition, including the Technical Staff Report of the Department of Planning and Zoning, the Howard County Subdivision and Land Development Regulations, the Zoning Regulations, the Howard County Code and the Adequate Public Facilities Ordinance were made part of the record in this case.

**PLANNING BOARD HEARING**

The Chairperson opened the public hearing at approximately 7:05 p.m. Brenda Barth presented the

Technical Staff Report for the Department of Planning and Zoning which recommended approval to the Preliminary Equivalent Sketch Plan, SP-13-011, subject to comments from reviewing agencies and any Conditions of Approval by the Planning Board.

### **PETITIONER'S TESTIMONY**

Mr. Robert Vogel of Robert H. Vogel Engineering, Inc., represented the petitioners and was sworn in as the first witness. Mr. Vogel testified that all criteria by which the Planning Board shall approve the Preliminary Equivalent Sketch Plan had been met, all roads had passed the Adequate Public Facility Roads Test and that proper screening and landscaping would be provided. The witness entered into record Petitioner's Exhibit No. 1, a colored copy of the proposed development plan showing Lots 45 to 49, as well as, the entire Grovemont Overlook Subdivision, open space areas and proposed forest conservation easement areas.

Mr. Vogel reviewed Petitioner's Exhibit No. 1 and stated that development consisted of a resubdivision of existing Lot 2/Phase 1 of the Grovemont Overlook Subdivision creating three building lots consisting of Lots 45, 46 and 47, situated at the northeast corner of Forest Kelly Court and Wecker Way and a resubdivision of existing Lot 39/Phase 2 creating two building lots consisting of Lots 48 and 49 situated on the east side of Wecker Way.

Mr. Vogel pointed out that the proposed lots are within the initial limit of disturbance, are not pipestem lots, have direct frontage onto a public road and that no historic structures or environmental features existed on the lots. The witness pointed out that this resubdivision is in accordance with Section 107.G.2 of the Zoning Regulations and would be receiving three density exchange units under the Neighborhood Preservation Density Exchange Option, thereby preserving off-site open space which would be at the Belmont Property. He believed this approach was a more environmentally sound solution in maintaining open space areas on other sites. Mr. Vogel then reviewed each Planning Board Criteria as stated in the Staff Report and indicated that this resubdivision met each and concluded his testimony.

### **AUDIENCE TESTIMONY**

The Board Chairperson recognized one individual in the audience and asked if they wished to speak. Ms. Sue Sontag, 5435 Wecker Way, Elkridge, MD was sworn in and spoke briefly. Ms. Sontag testified that she was not opposed to the development, but lived on Wecker Way and was present for informational purposes only. The Chairperson indicated no rebuttal was necessary and no closing statement was given. The Board moved to begin the work session.

### **WORK SESSION**

Mr. William Santos stated that he was in agreement with the Staff Report and found that all criteria of the R-ED Zoning Regulations had been met. Ms. Jacqueline Easley agreed and reiterated that no historical or environmental features would be affected by the development. Mr. Josh Tzucker also agreed that utilizing the Neighborhood Preservation Density Exchange Option was most appropriate in this case since open space could be preserved at another location.

After careful evaluation of all testimony and information presented, the Planning Board made the following Findings of Fact and Conclusions of Law:

### **FINDINGS OF FACT**

1. The proposed Preliminary Equivalent Sketch Plan, SP-13-011, is for the resubdivision of two existing lots into five building lots, creating three new lots. This increases the previously approved subdivision under PB Case No. 377 from 33 to 36 building lots.
2. This project is subject to compliance with the Howard County Subdivision and Land Development Regulations including the Forest Conservation Regulations, the Landscape Manual, the Zoning Regulations and Maps, the Design Manual and the Adequate Public Facilities Ordinance.
3. The subject property was properly posted and advertised for this public hearing in accordance with legal requirements.
4. The proposed resubdivision plan consists of 1.06 acres, and the total area of disturbance will be 1.06 acres.

5. Existing Lots 2 and 39 will be resubdivided into Lots 45 to 49 and do not contain any historic structures or environmental features. Lots 45 to 49 will have public road frontage and will be connected to public water and sewer. The entire Grovemont Overlook Subdivision will effectively protect, preserve and minimize disturbance of the environmental resources on the entire subdivision. A minimum of 50% of the total land area for the Grovemont Overlook Subdivision has been placed into credited open space. Open space areas will contain the flood plain, steep slopes, wetlands, streams, their buffers and existing forest. The environmental resources will be preserved and protected within open space lots that will be dedicated to the Homeowner's Association. The development plan for the entire subdivision does not propose disturbance within environmentally sensitive areas except for installation of public water, sewer and/or utilities and construction of the proposed public road right-of-way and as considered essential disturbance in accordance with Section 16.116(c) of the Subdivision and Land Development Regulations.
6. The entire Grovemont Overlook Subdivision plan accomplishes protection of environmental resources by the following means:
  - a. The clustering of residential lots away from the environmental features to further protect these features and existing forest;
  - b. Designing the lots to be close in size to the minimum lot size of 6,000 sq.ft. as practical.
  - c. Maximizing the amount of environmental open space by establishment of 50% open space on the entire subdivision. The subdivision project will provide a substantial environmental buffer from surrounding residential lots.
7. Site plan design takes advantage of the uniqueness of the existing topography and surrounding lots by minimizing the limits of clearing to construct the homes, storm water management facilities and utilities on Lots 45 to 49.
8. All building setbacks will be met and street side landscaping will be provided on proposed Lot 45.
9. The proposed development will be served by public water and sewer.
10. This subdivision is being developed in accordance with Section 107.G.2 of the Zoning Regulations as a receiving parcel to be developed under the Neighborhood Preservation Density Exchange Option at a bonus of up to 10% more dwelling units than would be achievable based on net density in the R-ED Zoning District. This subdivision is proposed to receive three density exchange units which will be exchanged and recorded under the final plan process for this project.

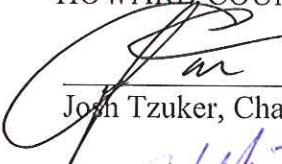
Mr. William Santos moved to approve the Preliminary Equivalent Sketch Plan, Ms. Jacqueline Easley second the motion and Mr. Josh Josh Tzucker was in favor of approval. The hearing was closed at 7:22 p.m.


**CONCLUSIONS OF LAW**

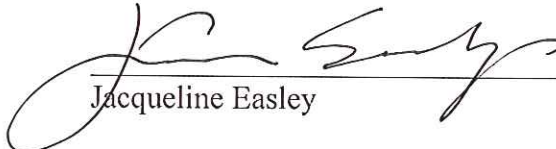
The proposed Preliminary Equivalent Sketch Plan, SP-13-011, satisfies all of the standards for approval of a Sketch Plan provided in Sections 107.E.6 of the Zoning Regulations for the reasons stated in the Department of Planning and Zoning Technical Staff Report.

For the foregoing reasons, the petition of Jericho, LLC and Ellicott City Land Holding, Inc. for approval of a Preliminary Equivalent Sketch Plan for resubdivision of existing Lots 2 and 39 into five building lots on 1.06 acres of land zoned R-ED, is this 17 day of October, 2013, **APPROVED** by the Planning Board of Howard County.

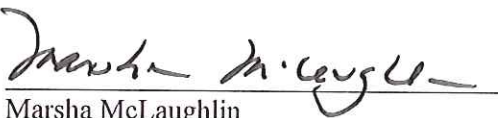
HOWARD COUNTY PLANNING BOARD:

  
Josh Tzucker, Chairperson

  
William Santos

  
Jacqueline Easley

ATTEST:

  
Marsha McLaughlin  
Executive Secretary

REVIEWED FOR LEGAL SUFFICIENCY BY:  
HOWARD COUNTY OFFICE OF LAW  
MARGARET ANN NOLAN, COUNTY SOLICITOR

  
Paul Johnson  
Deputy County Solicitor